

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION – BAY CITY**

In re:

BOYCE HYDRO, LLC, *et al.*

Chapter 11

Case No. 20-21214-dob

Debtors.¹

Hon. Daniel S. Opperman

_____/

SCOTT A. WOLFSON, SOLELY IN
HIS CAPACITY AS LIQUIDATING
TRUSTEE OF THE BOYCE HYDRO
LIQUIDATING TRUST,

Plaintiff,

Adv. Proc. No. 22-02023-dob

v.

THE KOGAN LAW GROUP, P.C.,
Defendant.

**PLAINTIFF'S FIRST SET OF REQUESTS
FOR PRODUCTION TO DEFENDANT**

Plaintiff Scott A. Wolfson, solely in his capacity as Liquidating Trustee of the Boyce Hydro Liquidating Trust, through counsel, pursuant to Fed. R. Civ. P. 34, made applicable to this adversary proceeding by Fed. R. Bankr.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal taxpayer-identification number, are: (i) Boyce Hydro, LLC (6694), Case No. 20-21214 and (ii) Boyce Hydro Power, LLC (3034), Case No. 20-21215.

P. 7034, issues the following Requests for Production (“Requests for Production”) to Defendant Kogan Law Group, P.C.

DEFINITIONS

1. The term “Affirmative Defenses” means your Affirmative Defenses. [Docket No. 4].
2. “Complaint” means Plaintiff’s Complaint. [Docket No. 1].
3. “Debtors” has the meaning given to it in the Complaint.
4. The term “copy” means a photocopy, or any other form of true and accurate duplication of a document.
5. The term “document” means anything discoverable under Fed. R. Civ. P. 34. Further, the term “document” shall be used in the broad and liberal sense and means written, typed, printed, recorded or graphic matter, however produced or reproduced, of any kind and description and whether an original, master, duplicate or copy, including papers, notes of conversations, contracts, agreements, purchase orders, invoices, payment vouchers, credit memos, credit policies, payment receipts, bills of lading, delivery receipts, service tickets, field service reports, drawings, telegrams, tape recordings, communications, analytical reports, studies, UCC searches, security agreements, working papers, corporate records, minutes of meetings, notebooks, wire transfers, bank deposit slips, bank checks,

canceled checks, diaries, diary entries, appointment books, desk calendars, photographs, transcriptions or sound recordings of any type of personal or telephone conversations, negotiations, meetings, conferences, or things similar to any of the foregoing, and data, information or statistics contained within any data storage module, tape, disc or other memory device, or other information retrievable from storage systems including computer generated reports and print-outs and electronic communication, including e-mail and facsimile transmissions. The term “document” shall also include data compilations from which information can be obtained and translated, if necessary, through detection devices in a reasonably usable form. The term “document” shall also mean any English translation of a document in another language. If any “document” has been modified by the addition of notations or otherwise, or has been prepared in multiple copies which are not identical, each modified copy or non-identical copy is a separate “document.”

6. The term “identify” or “identification,” when used in reference to a person means: state his, her or its legal full name and present or last known position or business affiliation; his, her or its present home and business addresses or principal place of business; and his, her or its present business and home telephone numbers. If current information is

not known, so state and provide his, her or its last known addresses and the last known date he, she or it resided or was located at those addresses, and the last known telephone number. The term “identify” or “identification,” when used in reference to a document, means state the type of document, e.g., letter, memoranda, telegram, chart, etc., and a means of identifying it, its present location and custodian. A copy of such document may be attached in response to the Interrogatory rather than identifying the document. If any such document was, but is no longer in your possession or subject to your control, state what disposition was made of it. The term “identify” or “identification,” when used in reference to a communication, means state the parties to such communication, the medium of such communication, i.e., telephonic, letter, etc., the date of such communication, and the subject matter and substance of such communication.

7. The term “Initial Disclosures” means Defendant Kogan Law Group P.C.’s Rule 26(a)(1) Initial Disclosures dated September 30, 2022.

8. The term “Interrogatories” means *Plaintiff’s First Set of Interrogatories to Defendant Kogan Law Group, P.C.*

9. The term “Requests for Admission” means *Plaintiff’s First Set of Requests for Admission to Defendant Kogan Law Group, P.C.*

10. The term “person” means individual persons, firms, associations, partnerships, corporations or other entities.

11. The term “Petition Date” has the same meaning given to it in the Complaint.

12. The terms “relating to” and “relate to” means constituting, defining, containing, embodying, evidencing, reflecting, identifying, stating, concerning, referring to, dealing with, or in any way pertaining to.

13. The term “state the basis of” shall mean to describe in full the factual and legal basis, including the identity of all documents relied on and the persons with knowledge of the factual and legal basis.

14. The term “Transfers” has the same meaning given to it in the Complaint.

15. The term “90-Day Transfers” has the same meaning given to it in the Complaint.

16. The term “Fraudulent Transfers” has the same meaning given to it in the Complaint.

17. The term “Tea Creek Properties” has the same meaning given to it in the Complaint.

18. The term “including” means including without limitation.

19. The term “any” means “each and every” as well as “any one.”

20. The singular includes the plural and the plural includes the singular; the conjunctive includes the disjunctive and the disjunctive includes the conjunctive; the masculine includes the feminine and the feminine includes the masculine; and the present tense includes the past tense and the past tense includes the present tense so as to bring within the scope of these Discovery Requests all responses that might otherwise be construed to be outside of their scope.

21. As used herein, the connectives “and” and “or” as used in the term “and/or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Discovery Requests all responses that might otherwise be construed to be outside of their scope.

22. The term “you” or “your” means the party to whom this discovery is directed, his, her, or its agents, representatives, officers, directors, employees, attorneys, experts, investigators, insurers, or anyone acting on behalf of the foregoing.

INSTRUCTIONS

1. These Discovery Requests cover all information known or available to you. The Discovery Requests cover all documents in your possession, custody or control, including, without limitation, documents in storage and documents held by agents, attorneys or other persons on your

behalf and subject to your control. Should you be unable to respond to any Discovery Request either by actual knowledge or upon information and belief, identify each person whom you know to have information regarding the subject of the Discovery Request.

2. Whenever a document has not been produced in full, identify with particularity the reason or reasons it has not been produced in full and describe to the best of your knowledge, information and belief and with as much particularity as possible, those portions of the document that have not been produced.

3. If a document called for by a request is known to have existed but cannot be located now, identify the document and state: (a) whether the missing document has been in your possession, custody or control, (b) where the missing document was last known to be and the date when the document was last known to be in such location, and (c) in whose possession, custody or control the document may be found or (d) where applicable, whether the document has been destroyed.

4. If you consider any document called for in the Discovery Requests to be privileged or otherwise not subject to production, then include in your response to the Discovery Requests a list of documents withheld from production, identifying each document by date, addressee(s),

author, title, and subject matter. In addition, identify those persons who have seen the document or who were sent copies. Finally, state the ground(s) upon which each such document is considered privileged.

5. These Discovery Requests shall be deemed continuing so as to require supplemental responses and/or production if you or your attorneys obtain further information between the time responses and/or production is made and the time of trial.

REQUESTS FOR PRODUCTION

Consistent with the timing set forth in Fed. R. Bankr. P. 7034, please produce the following documents and tangible items that are in your possession, custody, or control or which you have a legal right to obtain and deliver to the Plaintiff's counsel's offices at 3150 Livernois, Suite 275, Troy, Michigan 48083:

1. All documents that you relied on or reviewed in answering the Interrogatories.
2. All documents that you relied on or reviewed in answering the Requests for Admission.
3. All engagement letters between Defendant and Debtors.
4. All invoices issued by Defendant to Debtors during 2018 through 2021.

5. All time records related to legal services provided to Debtors during 2018 through 2021.
6. All documents identified in your Initial Disclosures.
7. All documents and communications related to the Transfers.
8. All documents evidencing your disposition of the Tea Creek Properties.
9. All documents and communications that support your Affirmative Defense C.
10. All documents and communications that support your Affirmative Defense F.
11. All documents and communications that support your Affirmative Defense H.
12. All documents and communications that support your Affirmative Defense I.
13. All documents and communications that support your Affirmative Defense K.

Respectfully submitted,

WOLFSON BOLTON PLLC

Dated: October 5, 2022

By: /s/ Anthony J. Kochis
Anthony J. Kochis (P72020)
3150 Livernois, Ste. 275
Troy, MI 48083
Telephone: (248) 247-7105
Facsimile: (248) 247-7099
Email: akochis@wolfsonbolton.com